

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL)	MDL No. 1456
INDUSTRY AVERAGE WHOLESALE)	Master Docket 01-cv-12257
PRICE LITIGATION)	
)	
)	Subcategory 06-11337
THIS DOCUMENT RELATES TO:)	Civil Action No. 08-cv-10852
)	
<i>United States of America Ex Rel.</i>)	
<i>Ven-A-Care of the Florida Keys, Inc.</i>)	
<i>a Florida Corporation, by and through</i>)	
<i>its principal officers and directors,</i>)	
<i>ZACHARY T. BENTLEY and T. MARK</i>)	
<i>JONES, vs. Actavis Mid Atlantic LLC,</i>)	
<i>et al.</i>)	
)	
<i>United States of America Ex Rel.</i>)	Civil Action No. 10-cv-11186
<i>Ven-A-Care of the Florida Keys</i>)	
<i>vs. Baxter Healthcare Corporation and</i>)	Judge Patti B. Saris
<i>Baxter International Inc.</i>)	

STATUS REPORT JUNE 1, 2011

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for plaintiff and relator Ven-A-Care of the Florida Keys, Inc., hereby submits the following status report to the Court listing the status of all motions to date.

Respectfully submitted,

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By: /s/ Rand J. Riklin
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**ATTORNEYS FOR VEN-A-CARE OF THE
FLORIDA KEYS, INC.**

MDL 1456 Status Report
USA *ex rel.* Ven-A-Care v. Actavis, et al.
Case No. 08-cv-10852

Pending Motions

DKT No.	Date Filed	Pending Motion
138	03/31/11	Motion for Protective Order Concerning Notices of Deposition and Subpoena Duces Tecum by Relator, Ven-A-Care of the Florida Keys, Inc. 05/23/11 an Electronic Order was entered denying the Motion without prejudice pending a clarification on the status of discovery at the 05/24/11 hearing
146	04/08/11	Motion for Protective Order Concerning Notices of Deposition to First DataBank and Thomson Reuters by Relator, Ven-A-Care of the Florida Keys, Inc. 05/23/11 an Electronic Order was entered denying the Motion without prejudice pending a clarification on the status of discovery at the 05/24/11 hearing
151	04/12/11	Motion for Protective Order Concerning Three Third-Party Subpoenas by Relator, Ven-A-Care of the Florida Keys, Inc.

DKT No.	Date Filed	Pending Motion
152	04/13/11	<p>Motion for Protective Order Precluding the Rule 30(b)(6) Deposition of Actavis Defendants by Defendants Actavis Mid Atlantic, LLC, Alpharma USPD, Inc., Alpharma, Inc. and Barre Parent Corp.</p> <p>Plaintiff and Actavis Defendants have reached a settlement in principle and have agreed to defer all issues relating Plaintiff's efforts to depose Actavis witnesses pending consummation of the settlement.</p>
160	04/25/11	<p>Motion for Leave to File Reply Memorandum of Law in Support of Motion for Protective Order Prohibiting Deposition of John LaRocca by Defendants Actavis Mid Atlantic, LLC, Alpharma USPD, Inc., Alpharma, Inc., and Barre Parent Corp.</p> <p>Plaintiff and Actavis Defendants have reached a settlement in principle and have agreed to defer all issues relating Plaintiff's efforts to depose Actavis witnesses pending consummation of the settlement.</p>
164	05/05/11	Motion to Quash Subpoena to Centers for Medicare and Medicaid Services by United States of America
170	05/19/11	Cross Motion to Compel The Centers For Medicare and Medicaid Services To Produce Deposition Testimony by Sandoz, Inc.
172	05/20/11	Motion to Compel Non-Party First DataBank, Inc. to Produce Deposition Testimony by Par Pharmaceutical Companies, Inc., Par Pharmaceutical, Inc.
174	05/20/11	Motion to Compel the State of Florida Agency for Health Care Administration to Produce Documents, by Sandoz, Inc.
176	05/20/11	Motion to Compel the State of New Jersey Division of Medical Assistance and Health Services to Produce Documents, by Sandoz, Inc.

Discovery

Case Management Order No. 32 was signed on February 25, 2010 [DKT #6926]. The parties have exchanged their Rule 26 disclosures and have engaged discovery pursuant to the Case Management Order.

On March 30, 2011, the Court granted the Agreed Motion for Extension of Discovery Deadline set forth in CMO No. 32, extending the fact discovery deadline for a period of 60 days as it pertains to certain depositions described in the Order [DKT #137].

On May 24, 2011, the Court entered an electronic Order referring to Magistrate Judge Marianne B. Bowler for disposition the Motion that is Docket No. 152.

On May 24, 2011, a Status Conference was held and settlement issues were discussed with respect to all pending matters. Plaintiff's Attorney James Breen reported to the Court that settlements have been reached with respect to Actavis Group and Par Pharmaceutical Companies, and a 90 day settlement order will be issued. The Court set another status conference for June 16, 2011 at 2:00 p.m.

On May 27, 2011, the Court entered a Settlement Order of Dismissal dismissing this action without prejudice to the right of any party upon showing good cause to reopen the action within 90 days if the settlement is not consummated.

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Case No. 10-cv-11186

Pending Motions

None.

The Court entered a Scheduling Order on March 22, 2011 [DKT #7482 in Case No. 01-cv-12257], and all deadlines are stayed through the mediation period ending June 24, 2011.

CERTIFICATE OF SERVICE

I hereby certify that I, Rand J. Riklin, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on May 31, 2011, pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LEXIS File & Serve electronic filing service.

Respectfully submitted,

By: /s/ Rand J. Riklin
Rand J. Riklin
John E. Clark

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